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9 Attorneys for Plaintiff FINISAR CORPORATION

10  
11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**  
13 **SAN JOSE DIVISION**

14  
15 FINISAR CORPORATION, a Delaware  
corporation,

16 Plaintiff,

17 v.

18  
19 U.S. BANK TRUST NATIONAL  
ASSOCIATION, a national banking  
20 association, not in its individual capacity,  
but solely in its capacity as Indenture  
21 Trustee in behalf of all Holders of Finisar  
Corporation's 5¼% Convertible  
22 Subordinated Notes due 2008, 2½%  
Convertible Senior Subordinated Notes due  
23 2010, and 2½% Convertible Subordinated  
Notes due 2010; and DOES 1 through 10,  
24 inclusive,

25 Defendants.  
26  
27  
28

Case No. 5:07-CV-04052-JF-PVT

**PLAINTIFF FINISAR CORPORATION'S  
REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF ITS AMENDED MOTION  
TO REMAND ACTION TO SANTA  
CLARA COUNTY SUPERIOR COURT**

Date: **Friday, November 2, 2007**  
Time: **9:00 a.m.**  
Courtroom: **3**

District Judge: Hon. Jeremy Fogel  
Magistrate Judge: Hon. Patricia V. Trumbull

Complaint Filed: June 22, 2007  
Trial Date Set: None Yet

1 Plaintiff Finisar Corporation respectfully requests that, in connection with “Plaintiff  
2 Finisar Corporation’s Amended . . . Motion to Remand Action to Santa Clara County Superior  
3 Court,” the Court take judicial notice, pursuant to Rule 201 of the Federal Rules of Evidence, of  
4 the following:

- 5 1. “Notice of Removal” filed in *American Stock Transfer & Trust Co. v. Par*  
6 *Pharmaceutical Cos.*, No. 306-CV-1770D (N.D.Tex. Nov. 17, 2006), a true and  
7 correct copy of which is attached hereto as Exhibit “A”;
- 8 2. “Defendant Wells Fargo Bank, National Association’s Notice of Removal” filed in  
9 *Cyberonics, Inc. v. Wells Fargo Bank, National Association*, No. 4:07-CV-121 (S.D.  
10 Tex. Jan. 10, 2007), a true and correct copy of which is attached hereto as Exhibit  
11 “B”;
- 12 3. “Complaint” filed in *Affiliated Computer Services, Inc. v. Wilmington Trust Co.*, No.  
13 306-CV-1770D (N.D. Tex. Sept. 26, 2006), a true and correct copy of which is  
14 attached hereto as Exhibit “C”;
- 15 4. “Complaint” filed in *UnitedHealth Group Inc. v. CEDE & Co.*, No. 06-cv-4307 (D.  
16 Minn. Oct. 25, 2006), a true and correct copy of which is attached hereto as Exhibit  
17 “D”; and
- 18 5. *Cyberonics, Inc. v. Wells Fargo Bank, National Association*, 2007 WL 1729977  
19 (S.D. Tex. June 13, 2007), a true and correct copy of which is attached hereto as  
20 Exhibit “E.”

21 DATED: September 28, 2007

Respectfully submitted,

22 Sterling A. Brennan  
23 WORKMAN NYDEGGER A PROFESSIONAL CORPORATION

24 Caroline McIntyre  
25 BERGESON, LLP

26 By /s/ Sterling A. Brennan  
27 Sterling A. Brennan  
28 Attorneys for Plaintiff FINISAR CORPORATION

**CERTIFICATE OF SERVICE**

I hereby certify that on September 28, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: D. Anthony Rodriguez, [drodriguez@mofo.com](mailto:drodriguez@mofo.com); Abby E. Wilkinson, [awilkinson@faegre.com](mailto:awilkinson@faegre.com); Eva Krisztina Schueller, [eschueller@mofo.com](mailto:eschueller@mofo.com); Michael B. Fisco, [mfisco@faegre.com](mailto:mfisco@faegre.com); Paul T. Friedman, [pfriedman@mofo.com](mailto:pfriedman@mofo.com).

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